

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANN K. CHUNG,

Plaintiff,

-v-

J.H. WHITNEY CAPITAL PARTNERS, LLC,

Defendant.

24 Civ. 5864 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On August 29, 2024, defendant filed a motion to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by September 19, 2024. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by October 10, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by September 19, 2024. Defendant's reply, if any, shall be served by October 3, 2024. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

¹ If defendant files a new motion to dismiss or rely on its previous motion, plaintiff's opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 29, 2024
New York, New York